

City Council Introduction: **Monday**, April 15, 2002
Public Hearing: **Monday**, April 22, 2002, at **1:30 p.m.**

Bill No. 02R-83

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1774A**, an amendment to the **WILDERNESS ESTATES 3RD ADDITION COMMUNITY UNIT PLAN**, requested by Brian D. Carstens and Associates on behalf of Lyle Loth, to change the rear yard setback on Lot 4 from 15 feet to 5 feet, on property generally located at So. 7th Street and Glenridge Road (south of Old Cheney Road).

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: None

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/03/02
Administrative Action: 04/03/02

RECOMMENDATION: **Conditional Approval** (8-0: Newman, Duvall, Bills-Strand, Steward, Carlson, Krieser, Larson and Schwinn voting 'yes'; Taylor absent).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3, concluding that the proposed rear yard setback does reduce the amount of open space on Lot 4. Lot 4 is the shallowest and smallest lot in the CUP. Also, it backs onto Outlot "A", the open space for this CUP. For these reasons, the request to reduce the rear yard setback is acceptable.
2. On April 3, 2002, this application was placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
3. On April 3, 2002, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated March 19, 2002.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 8, 2002

REVIEWED BY: _____

DATE: April 8, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1774A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1774A

DATE: March 19, 2002

PROPOSAL: To reduce the rear yard setback on Lot 4 from 15 feet to 5 feet

WAIVER REQUEST: Adjustment of rear yard setback on one lot

LAND AREA: 3.0 acres, more or less

CONCLUSION: The proposed rear yard setback does reduce the amount of open space on Lot 4.

Lot 4 is the shallowest and smallest lot in the C.U.P. Also, it backs onto Outlot "A" - the open space for this C.U.P. For these reasons, the request to reduce the rear yard setback is acceptable.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-8 and the southern portion of Outlot "A", Wilderness Estates 2nd Addition, located in the NW 1/4 of Section 14, T9N, R6E of the 6th P.M., Lancaster County, Nebraska (more particularly described in the attachment).

LOCATION: S. 7th Street and Glenridge Road (south of Old Cheney Road)

APPLICANT: Lyle L. Loth - E.S.P.
601 Old Cheney Road - Suite "C"
Lincoln, NE 68512

OWNER: same

CONTACT: Brian D. Carstens & Associates
601 Old Cheney Road - Suite "A"
Lincoln, NE 68512

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Vacant lot

SURROUNDING LAND USE AND ZONING:

North:	O-3	Office building
South:	R-2	Residential
East:	R-2	Residential
West:	AG & P	Railroad and Wilderness Park

HISTORY:

December 15, 1999 Planning Commission approves Wilderness Estates 2nd Addition Final Plat.

August 23, 1999 City Council approves the Wilderness Estates 3rd Addition Preliminary Plat and C.U.P.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area as Urban Residential.

UTILITIES: Available. L.E.S. has a 15' wide utility easement on the south side of Lot 4's rear lot line.

TOPOGRAPHY: Lot 4 slopes at 6% down towards the wetlands and flood plain to the north.

TRAFFIC ANALYSIS: S. 7th Court and Glenridge Road are local residential streets.

PUBLIC SERVICE: City of Lincoln Fire and Police

ENVIRONMENTAL CONCERNS: Protection of wetlands and flood plain.

AESTHETIC CONSIDERATIONS: Reduction of yard area around the dwelling.

ALTERNATIVE USES: A smaller dwelling which meets the 15' rear yard setback.

ANALYSIS:

1. This application modifies the rear yard setback on one lot within an existing community unit plan.
2. L.E.S. has indicated that they do not object to relocating the easement.
3. Lot 4 backs onto Outlot "A", which has been reserved as non-buildable open space with wetlands, flood plain, and trees. It is also the shallowest and smallest lot within the C.U.P. For these reasons, the request to reduce rear yard setback is acceptable.

CONDITIONS:

Site Specific:

1. This approval permits eight single family dwelling units and an adjustment of rear yard setback to 5 feet on Lot 4.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:
 - 2.2 The construction plans shall comply with the approved plans.
 - 2.3 The existing L.E.S. easement must be released and the relocated easement filed with the Register of Deeds.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Jason Reynolds
Planner

SPECIAL PERMIT NO. 1774A
Amendment to the
WILDERNESS ESTATES 3RD ADDITION C.U.P.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

April 3, 2002

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3361; SPECIAL PERMIT NO. 1951, HARTLAND HOMES SOUTHWEST COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 01020, HARTLAND HOMES SOUTHWEST; MISCELLANEOUS NO. 01011; PRE-EXISTING USE PERMIT NO. 9S; PRE-EXISTING SPECIAL PERMIT NO. 23E; SPECIAL PERMIT NO. 1962; SPECIAL PERMIT NO. 1963; SPECIAL PERMIT NO. 1774A, AMENDMENT TO THE WILDERNESS ESTATES 3RD ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 1952, HAWKSWOOD ESTATES 1ST ADDITION COMMUNITY UNIT PLAN; and PRELIMINARY PLAT NO. 01024, HAWKSWOOD ESTATES 1ST ADDITION.**

Item No. 1.3, Pre-Existing Special Permit No. 23E, was removed from the Consent Agenda and scheduled for separate public hearing.

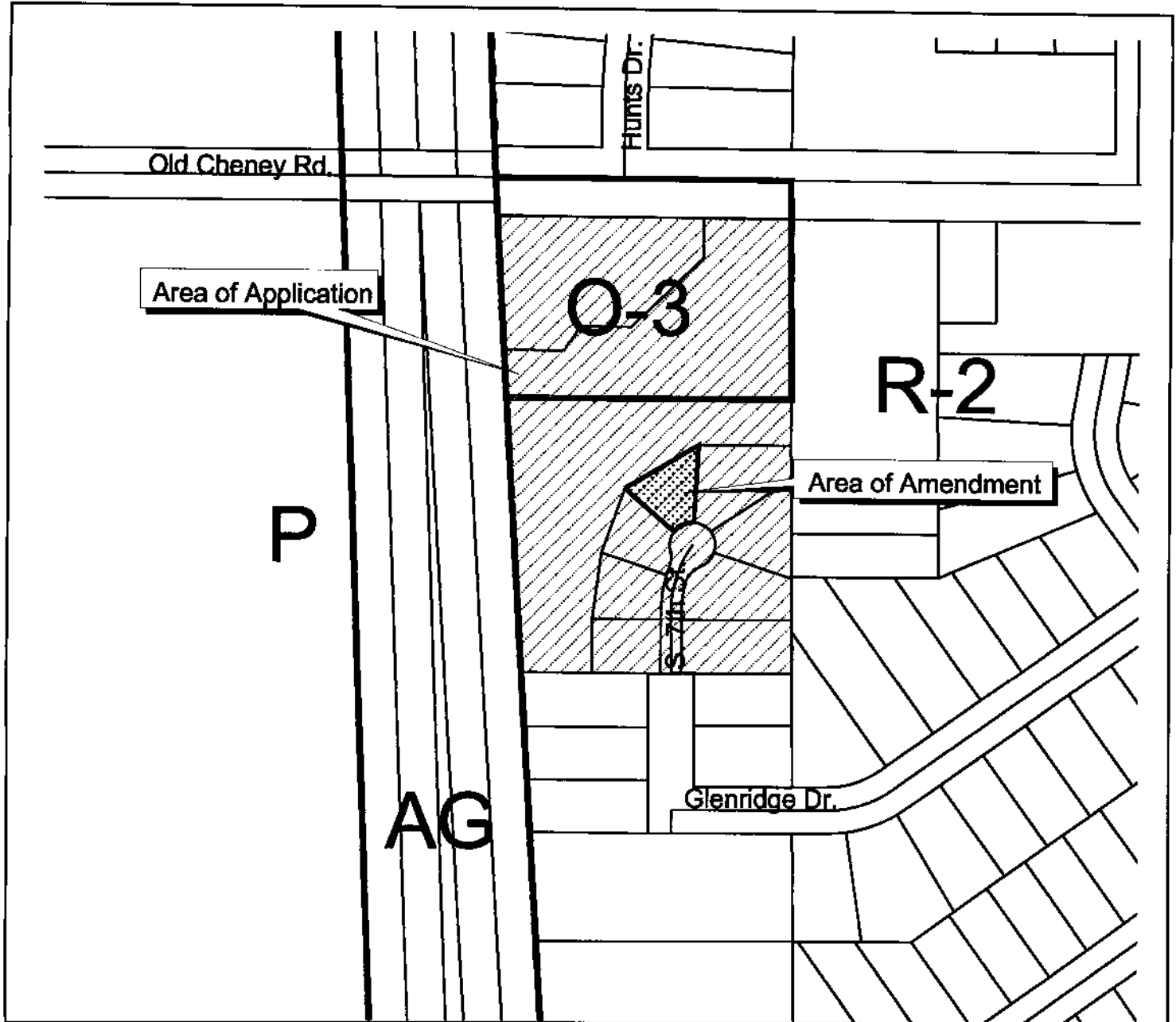
Carlson moved to approve the remaining Consent Agenda, seconded by Newman and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Taylor absent.



**Special Permit #1774A
Wilderness Estates 3rd CUP
7th & Old Cheney**



007

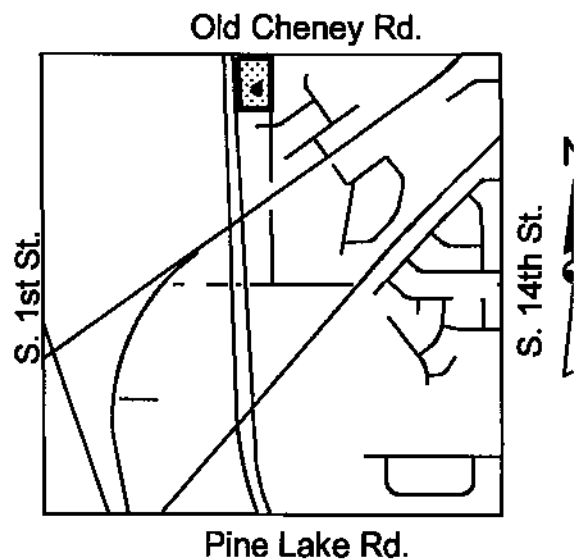
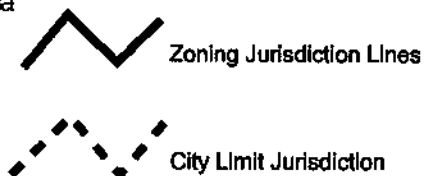


Special Permit #1774A
Wilderness Estates 3rd CUP
7th & Old Cheney

Zoning:

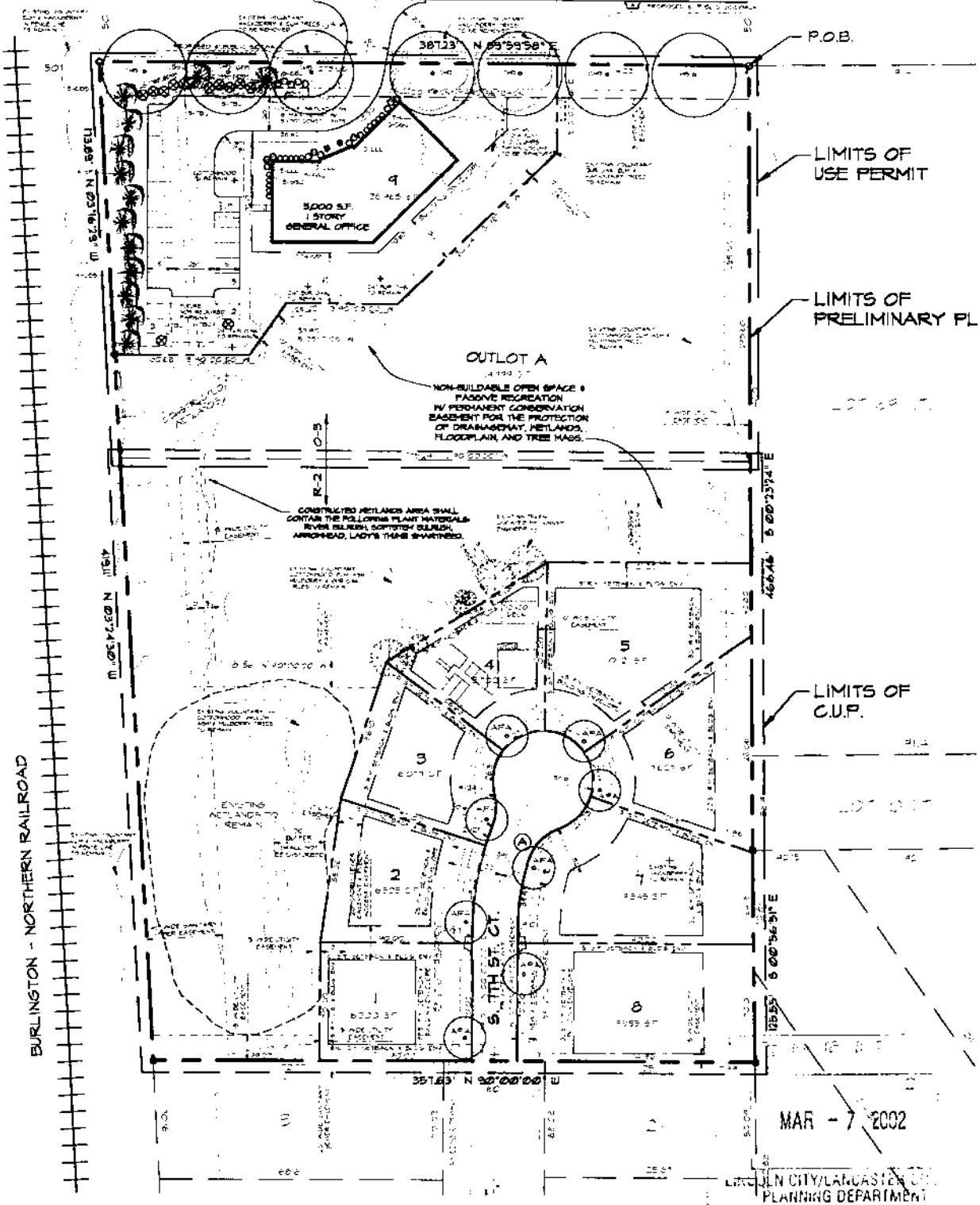
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 14 T9N R6E



008

OLD CHENEY ROAD



Special Permit #1774A
Wilderness Estates 3rd Addition

009



C.U.P. LEGAL DESCRIPTION:

LOTS 1 THROUGH 8 AND THE SOUTHERN PORTION OF OUTLOT 'A', WILDERNESS ESTATES 2ND ADDITION LOCATED IN THE NW 1/4 OF SECTION 14, T.9 N., R.6 E. OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SAID NW 1/4, SAID POINT BEING 50.00 FEET SOUTH OF THE N 1/4 CORNER OF SAID SECTION 14, AND EXTENDING THENCE SOUTH 00 DEGREES, 23 MINUTES, 24 SECONDS EAST, FOR A DISTANCE OF 235.00 FEET, TO THE POINT OF BEGINNING;

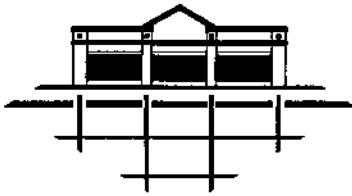
THENCE CONTINUING SOUTH 00 DEGREES, 23 MINUTES, 24 SECONDS EAST, FOR A DISTANCE OF 231.46;

THENCE SOUTH 00 DEGREES, 56 MINUTES, 51 SECONDS EAST, FOR A DISTANCE OF 125.55 FEET;

THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, FOR A DISTANCE OF 357.63 FEET;

THENCE NORTH 03 DEGREES, 24 MINUTES, 30 SECONDS WEST, FOR A DISTANCE OF 357.62 FEET;

THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, FOR A DISTANCE OF 375.24 FEET, TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 3.00 ACRES, MORE OR LESS.



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

March 7, 2002

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: WILDERNESS ESTATES 3RD ADDITION - OLD CHENEY ROAD & SOUTH 7TH STREET
SPECIAL PERMIT #1774-A - COMMUNITY UNIT PLAN

Dear Kathleen,

On behalf of Lyle L. Loth, we are submitting the following Community Unit Plan/ Special Permit #1774-A. This Special Permit shall amend the rear yard setback on Lot 4 from 15 feet to 5 feet. The existing 15 foot utility easement has been shifted to show 5 feet on Lot 4 and 10 feet on Outlot 'A'. The owner/ developer will be responsible for any relocation of utilities in the relocating of the utility easement.

Lyle L. Loth has sold this lot, pending the approval of this amendment. We have shown the proposed footprint of the residence and future deck on the submittal.

All existing trees will not be affected by the change of the rear yard setback. The calculated area of the 15 foot rear yard as approved was 1,569.26 square feet and the area of actual rear yard from this change is 1,389.72 square feet. Therefore, the new rear yard will only have a net loss of 179.54 square feet.

Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Lyle L. Loth

Enclosures: 18 copies of sheet 1 & 2 of 2
Application for a Special Permit
Application Fee of \$375.00
Ownership Certificate
8 1/2" x 11" reductions



City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02031**

Address

Job Description: **WILDERNESS ESTATES 3RD ADD**

Location: **WILDERNESS ESTATES 3RD**

Special Permit: **Y 1774A**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JASON**

Status of Review: **Denied**

3/11/2002 2:32:17 PM

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments: **show fire hydrants.**

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds

DATE: 3/18/2002

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Wilderness Estates 3rd
Addition SP #1774A

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the requested special permit that proposes to amend the rear yard setback on Lot 4 from 15 feet to 5 feet. The LLCHD does not have any further comment, at this time, regarding this special permit.

Memo



To: Jason Reynolds, Planning Department

From: Mark Canney, Parks & Recreation

Date: March 18, 2002

Re: Wildemess Estates 3rd Addition

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



INTER-DEPARTMENT COMMUNICATION

DATE March 15, 2002

TO Jason Reynolds, City Planning

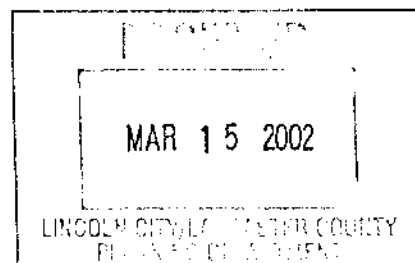
FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #58S-7E

Attached is the Community Unit Plan/Special Permit #1774-A for Wilderness Estates 3rd Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.


ALLTEL, Time Warner Cable, and the Lincoln Electric System will offer no objections to the Special Permit request.



ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICE\ODEDEAS.Fm

M e m o r a n d u m

To: Jason Reynolds, Planning
From:  Dennis Bartels, Engineering Services
Subject: Wilderness Estates 3rd Addition
Date: March 18, 2002
cc: Roger Figard
Randy Hoskins

Engineering Services has no objection to revising the easement and reducing the rear yard setback on lot 4, Wilderness Estates. The easement will need to be released and a new easement described and filed.

